IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.8263 of 1998

Dated: 07-02-2007

Between:

Murki Jayaram, s/o Rajaiah,
aged about 46 years,
r/o 1-5-62, Sircilla road,
Kamareddy.

... Petitioner

and

1. The Government of Andhra Pradesh,
   rep. by its Secretary,
   Department of Home, Secretariat of A.P.,
   Hyderabad and 3 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* directing respondents to pay a sum of Rs.1,00,000/- towards compensation and punish respondents 3 and 4 for illegal detention and harassment of petitioner.

2. It is the case of the petitioner that he opened a jewellary shop under the name and style of Shrirama Jewellers, at Gunj

road,
Kama Reddy in the month of September 1996 after obtaining licence from the concerned authorities. It is stated that on 05-02-1998 at about 11-00 A.M. seven persons came to the shop of the petitioner in a pista green Matador van without number and took him to Kama Reddy Police Station, Siddipet Police Station and from there to Central Crime Station, Hyderabad and tortured him physically and mentally and also detained him illegally for 12 hours. It is further stated that in the meanwhile the wife of the petitioner filed habeas corpus petition before this Court and on coming to know the same, third respondent herein released him after collecting gold from others.

3. A detailed counter affidavit is filed on behalf of the third respondent, wherein it is stated that the petitioner is the receiver of the stolen property viz., gold articles in Crime No.278 of 1997, registered for an offence punishable under Section 395 of the Indian Penal Code, 1860 and Crime No.104 of 1997, registered for an offence punishable under Section 392 of IPC of Malakpet Police Station. It is further stated that the wife of the petitioner got filed a writ of habeas corpus being W.P.No.4177 of 1998, which was dismissed by this Court in the month of February, 1998. It is also stated that the petitioner was arrested in connection with the said crimes and it is not as though without recourse to law, the petitioner was arrested.

4. Heard learned counsel for the parties.

5. In the light of the averments made in the counter affidavit,
this Court is of the view that the writ petition deserves no consideration.

6. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.07-02-2007
GLV